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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,201	10/31/2003	Mark F. Ellis	58836US003	9990
32692 7590 04/02/2009 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				
EXAMINER				
SELLMAN, CACHET I				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
04/02/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

Office Action Summary

Application No.

10/698,201

Applicant(s)

ELLIS ET AL.

Examiner

CACHET I. SELLMAN

Art Unit

1792

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 1/21/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 1/21/2009 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-10, 12-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick et al. (Us 5856022).

McCormick et al. discloses a process for forming a composition which can be used as a pressure sensitive adhesive (see col. 25, line 22 - col. 26, line 10). The process comprises the steps of providing an essentially solvent free mixture comprising one or more free radically polymerizable monomers having one ethylenically unsaturated group and at least one free-radial polymerization initiator (see abstract, see col. 11, lines 58-65 and examples); partially polymerizing the mixture to provide a mixture having a Brookfield viscosity of 300-20,000 at 20C (see Methods A, B and C cols. 11-14). McCormick et al. discloses examples of forming various compositions

using different monomers. McCormick et al. states that in the examples the syrups are partially polymerized to have a Brookfield viscosity from 1000-3000 cps. The syrups F-J all exhibit % conversions in the range of 30-33% (see Table XIII). An additional initiator is added to the partially polymerized mixture; the composition is applied to a substrate and is then further polymerized (see Examples). McCormick et al. teaches that the films are can be cured between two release liners **or** in an inert, oxygen atmosphere (see col. 24, lines 10-15) therefore there is a teaching of completing the polymerization in a non-inert atmosphere as long as the film is bounded by two release liners.

Regarding claim 3,

McCormick et al. teaches that the resulting adhesive/film should have or exhibit a viscosity of 300-20,000cps in order for the material to be applied as a coating therefore it would have been obvious that the radiation curable portion has the claimed range to be acceptable as a coating.

Regarding claims 4 and 5,

McCormick et al. teaches that the initiator can be thermally activatable such as organic peroxides, azo-group containing compounds (see col. 11, lines 27-45).

Regarding claim 6,

The initiator is provided in the range of 0.02-1.0% by weight of the composition (see col. 11, lines 61-65).

Regarding claim 7,

McCormick et al. fails to teach the use of Type I and II initiators. However, such initiators are well known in the art for polymerizing monomers as those described by

McCormick et al. (see Moon et al. US 6174931 col. 5, lines 23-38) and it would have therefore been within the skill of one in the art of forming such compositions to use the initiators as alternatives to fully polymerize the composition.

Regarding claim 8,

The initiator is provided in the radiation curable composition at 0.1-10% of the total composition (see col. 14, lines 13-15).

Regarding claims 9 and 10,

McCormick et al. is silent with regard to the polydispersity values. It is the Examiner's position that the polydispersity values of McCormick et al. would fall within the claimed range, or overlap the range since the process of McCormick and the instant invention use similar materials and process steps.

Regarding claim 12,

The composition can comprise of a blowing agent (see col. 17, line 57).

Regarding claim 13,

McCormick et al. is silent as to the %conversion of the radiation curable composition. However, McCormick et al. states that the compositions are completely polymerized and therefore the entire polymer is converted.

Regarding claims 14-15,

The coating can be applied to paper, polymer, metal or woods (see col. 17, line 62 - col. 18, line 1).

Regarding claim 20,

The composition is solvent free.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CACHET I. SELLMAN whose telephone number is (571)272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman
Examiner
Art Unit 1792

/C. I. S./
Examiner, Art Unit 1792

/William Phillip Fletcher III/
Primary Examiner, Art Unit 1792

